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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,692	10/04/2000	Glenn Reid	004860.P2475	9006
7590	01/31/2006		EXAMINER	
Lisa N Benado Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard 7th Floor Los Angeles, CA 90025			NGUYEN, NHON D	
			ART UNIT	PAPER NUMBER
			2179	
DATE MAILED: 01/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/679,692	REID ET AL.
	Examiner	Art Unit
	Nhon (Gary) D. Nguyen	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 November 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-48 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31, and 33-48 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This communication is responsive to amendment filed 11/22/2005.
2. Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31, and 33-48 are pending in this application. This action is made final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 7, 9, 12, 15, 17, 20, 23, 25, 28, 31, and 33-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiss et al. (“Weiss”, US 5,900,877).

As per claims 1, 9, 17, 25, 37, 38, 41, 42, 45, and 46, Weiss teaches a computer implemented method and corresponding system for producing a graphical user interface, comprising the steps/means

storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer (e.g., col. 8, lines 40-63; a graphic file containing graphics control objects Button Up and Button Down are in respective layers 322 and 330), dictates at least one attribute of a control element and is editable by a user (e.g., col. 8, lines 40-63; these control objects, Button Up and Button Down,

dictates the inactive and active attributes, respectively, of the button in figure 3C and the graphic file is inherently editable); and

creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file (e.g., col. 8, lines 40-63).

As per claims 4, 12, 20, 28, 39, 43, and 47, Weiss teaches the at least one layer of the first control object is grouped with the other layers in the graphic file (e.g. col. 6, lines 12-32 and col. 8, lines 40-63; control object layers 322 and 330 in figure 3, for example, are grouped in the button control group 212 of fig. 2).

As per claims 7, 15, 23, and 31, Weiss teaches the at least one attribute is at least one of an appearance and location and or size and element type and state and function and behavior in a particular environment (e.g., col. 8, lines 40-63).

As per claims 33-36, 40, 44, and 48, Weiss teaches the layers are linked (e.g., col. 8, lines 40-63; layers 322 and 330 are linked).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 14, 22, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss.

As per claim 6, 14, 22, and 30, Weiss does not disclose the control element is an edit control to manipulate a time-based stream of information. Examiner takes Official Notice that the control elements such as button, checkbox, radio button, scrollbar and checklist in figure 2 would have been obvious to one of ordinary skill in the art to implement as edit controls to manipulate an audio or video editing system. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Weiss's control elements as edit controls to manipulate a time-based stream of information since it would have provided users of time-based stream system with more sophisticated computer controls having greater utility in addition to a more intuitive design

Response to Arguments

7. Applicant's arguments filed 11/22/2005 have been fully considered but they are not persuasive.

Applicant argued that following:

- (a) In Weiss, there is no graphic file containing a list of control objects, where each control object defines attributes of a control element.
- (b) In Weiss, each control element is contained in a single graphic control layer, and cannot be in multiple layers.

- (c) Weiss does not disclose allowing a user to edit the graphic file to change the attributes.
- (d) The graphic control layers disclosed in Weiss are not part of a graphic file that can be opened or accessed by an application program other than the program used to create the graphic file.
- (e) Each graphic control element disclosed in Weiss is not part of a control object which is in a layer that can be optionally grouped with multiple other layers in a graphic file.
- (f) Control elements cannot be grouped together so that all members of a particular group may be described as acting in the same manner or so that changes to one member of a group will automatically be transferred to the other members (page 35, lines 28-31 of the present application).

The Examiner disagrees for the following reasons:

- (a) Weiss does teach bitmap or vector graphic files that define graphic control elements at col. 6, lines 40-43. Furthermore, a graphic control element such as the control button in fig. 3C does contain a list of control objects such as Button Up and Button down that dictate the inactive and active attributes, respectively, of the button (e.g., col. 6, lines 66-67 and col. 8, lines 40-63).
- (b) Weiss clearly teaches, at col. 6, lines 40-41, the "*graphic control elements of the invention comprise one or more graphic control layers*".
- (c) Weiss teaches the creation of graphic control elements by using any software effective for the generation of bitmap and vector graphic objects at col. 9, lines 11-16. The software used

to create bitmap and vector graphic objects would inherently be used to edit the created bitmap and vector graphic objects.

(d) In order to display a bitmap or vector graphic file, a program must access and open that file for displaying. The display program is inherently different from the software used to create the graphic file.

(e) The claimed language only recites “the at least one layer of the first control object is grouped with other layers in the graphic files”. Weiss’s teaching at e.g. col. 6, lines 12-32 and col. 8, lines 40-63 does read on the claimed language, in which control object layers 322 and 330 in figure 3, for example, are grouped in the button control group 212 of fig. 2.

(f) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., control elements cannot be grouped together *so that all members of a particular group may be described as acting in the same manner or so that changes to one member of a group will automatically be transferred to the other members*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D. Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
January 24, 2006

BA HUYNH
PRIMARY EXAMINER